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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,283	03/26/2004	James W. Cannon	83094RRS	8578

7590 02/17/2009  
Mark G. Bocchetti  
Patent Legal Staff  
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EXAMINER
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LAY, MICHELLE K

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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02/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: JAMES W. CANNON and STEVEN M. BELZ

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Application No. 10/810,283  
Technology Center 2600

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Mailed: 17 February 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*.  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 19, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

Application No. 10/810,283

AMENDMENT AFTER FINAL

A review of the file indicates that on February 26, 2008, Appellant filed an Amendment After Final as an attachment to their Appeal Brief in response to the Final Rejection mailed April 20, 2007. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- (1) to appropriately respond to the Amendment After Final;
- (2) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- (3) for such further action as may be appropriate.

KZ/MTV/yrt

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